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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Application Number	10/807,365
Filing Date	March 23, 2004
First Named Inventor	Derek METCALF
Art Unit	3634
Examiner Name	
Attorney Docket Number	38949/295702

Total Number of Pages in This Submission

ENCLOSURES (check all that apply)

- | | | |
|---|--|---|
| <input type="checkbox"/> Fee Transmittal Form

<input type="checkbox"/> Fee Attached

<input type="checkbox"/> Amendment / Reply

<input type="checkbox"/> After Final

<input type="checkbox"/> Affidavits/declaration(s)

<input type="checkbox"/> Extension of Time Request

<input type="checkbox"/> Express Abandonment Request

<input checked="" type="checkbox"/> Information Disclosure Statement

<input type="checkbox"/> Certified Copy of Priority Document(s)

<input type="checkbox"/> Response to Missing Parts/ Incomplete Application

<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)

<input type="checkbox"/> Licensing-related Papers

<input type="checkbox"/> Petition

<input type="checkbox"/> Petition to Convert to a Provisional Application

<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address

<input type="checkbox"/> Terminal Disclaimer

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<input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Technology Center (TC)

<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences

<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)

<input type="checkbox"/> Proprietary Information

<input type="checkbox"/> Status Letter

<input checked="" type="checkbox"/> Other Enclosure(s)
(please identify below):

1. Form PTOSB/08 (one sheet) |
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Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENTFirm
or
Individual name

Michael A. Bertelson, Reg. No. 54,713

Signature

Date

September 22, 2004

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

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Angela M. Rossi

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Date

9/22/04

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)
)
Derek METCALF)
)
Serial No.: 10/807,365) Art Unit: 3634
)
Filed: March 23, 2004) Examiner: Unknown
)
For: ADJUSTABLE SHELVING UNIT)

Mail Stop Amendment
Commissioner for Patents Attorney Docket No. 38949/295702
P. O. Box 1450
Alexandria, Virginia 22313-1450 Date: 9/22/04

INFORMATION DISCLOSURE STATEMENT

Sir:

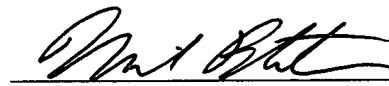
In accordance with Rules 56, 97 and 98 of the Rules of Practice in Patent Cases (37 C.F.R. §§ 1.56, 1.97, and 1.98), the publications listed on the enclosed Form PTO/SB/08 are submitted for consideration by the Examiner. The Office has waived the requirement under 37 C.F.R. 1.98(a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003. Therefore, Applicant is not providing copies of the cited U.S. patents at this time.

Submission of the references provided in this Information Disclosure is not intended to constitute an admission that any reference referred to herein is prior art for this invention unless specially designated as such. Also, in accordance with 37 C.F.R. § 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made, or that no other material information as defined in 37 C.F.R. § 1.56(a) exists.

U.S.S.N.: 10/807,365
Filed: March 23, 2004
INFORMATION DISCLOSURE STATEMENT

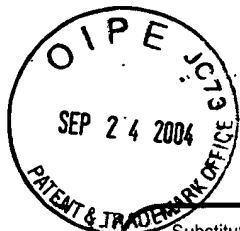
This Information Disclosure Statement is being filed before the issuance of a first office action on the merits of the application (37 C.F.R. 1.97(b)(3)); therefore, no fee is believed to be due. If a fee is due, the Commissioner is authorized to charge such fee and any additional fees that may be due or credit any overpayment to Deposit Account No. 11-0855.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael A. Bertelson", written over a horizontal line.

Michael A. Bertelson
Reg. No. 54,713

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PTO/SB/08A (10-01)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 1

Complete if Known

Application Number	10/807,365
Filing Date	March 23, 2004
First Named Inventor	Derek METCALF
Group Art Unit	3634
Examiner Name	
Attorney Docket Number	38949/295702

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)			
		573,835	12/22/1896	Taylor	
		1,428,730	09/12/1922	Weston	
		1,829,009	10/27/1931	Madsen	
		2,648,442	08/11/1953	Lowmaster	
		3,182,945	05/11/1965	Sedo	
		3,248,079	04/26/1966	Kennedy	
		3,280,989	10/25/1966	Melvin, et al.	
		3,501,020	03/17/1970	Krikorian	
		3,701,325	10/31/1972	Fenwick	
		3,915,097	10/28/1975	Young, Jr.	
		4,065,088	12/27/1977	Shell	
		4,248,352	02/03/1981	White	
		4,250,815	02/17/1981	Swanson	
		4,378,925	04/05/1983	Griffin	
		4,492,169	01/08/1985	Ware, et al.	
		4,553,523	11/19/1985	Stohrer	
		4,583,648	04/22/1986	Buffington, et al.	
		4,730,738	03/15/1988	Bartus, et al.	
		5,199,579	04/06/1993	VanDuyne	
		5,449,076	09/12/1995	Van Moord	
		5,450,971	09/19/1995	Boron, et al.	
		5,460,345	10/24/1995	Trevaaskis	
		5,641,083	06/24/1997	Metcalf	
		5,816,419	10/06/1998	Lamson	
		6,109,462	08/29/2000	Emalfrb, et al.	
		6,142,321	11/07/2000	West	
		6,189,527	02/20/2001	Walsh, et al.	
		6,332,548	12/25/2001	West, et al.	
		6,341,704	01/29/2002	Michel	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)				

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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.